

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

6 MICHAEL STEVE COX, )  
7 Petitioner, ) 3:10-cv-00596-ECR-RAM  
8 vs. )  
9 J. PALMER, et al., ) ORDER  
10 Respondents. )  
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Petitioner submitted a habeas corpus petition pursuant to 28 U.S.C. § 2255, but neither paid the required filing fee nor filed an appropriate motion for leave to proceed *in forma pauperis*. The action was ultimately dismissed when petitioner failed to comply with the Court’s order to pay the fee or apply to proceed *in forma pauperis*. Petitioner now moves the Court to reconsider the dismissal, contending that prison staff delayed in mailing the application. The motion shall be denied.

17 Because the dismissal of this action was not with prejudice, Petitioner may, if he desires,  
18 commence another action related to the issues raised in his petition. He is advised, however, that he  
19 should ensure that the appropriate fee or *in forma pauperis* application is submitted along with the  
20 proposed petition. He is also advised to use the appropriate form in preparing his petition.

21                   **IT IS THEREFORE ORDERED** that the Motion for Reconsideration (docket #7) is  
22 **DENIED.**

23 Dated, this 26th day of January, 2011.

Edward C. Reed.  
UNITED STATES DISTRICT JUDGE